

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 14, 2010
POSITION: Support
SPONSOR: Department of Motor Vehicles

BILL NUMBER: AB 2144
AUTHOR: D. Gilmore

BILL SUMMARY: Commercial Motor Vehicles: Driver Compliance

This bill would modify provisions related to commercial driver's licenses as required by federal regulations.

FISCAL SUMMARY

The Department of Motor Vehicles (DMV) estimates costs to be minor and absorbable.

COMMENTS

Finance supports this bill because it would bring California into compliance with current federal regulations, address DMV-related findings from the Federal Motor Carrier Safety Administration's 2008 Motor Carrier Safety Assistance Program of the California Highway Patrol's program, and enhance commercial driver safety.

Analyst/Principal (0744) J. Gregg	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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D. Gilmore

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AB 2144

ANALYSIS**A. Programmatic Analysis****Existing Law:**

- Provides that a deferral to a traffic violator school results in a dismissal of the complaint.
- Makes records pertaining to traffic violator school dismissals confidential.
- Prohibits a driver from operating a commercial vehicle for a period of between 90 days and three years if the person is convicted of violating an out-of-service order; imposes a penalty of between \$1,100 and \$2,750 for anyone convicted of violating an out-of-service order.

This bill would:

- Modify provisions related to traffic violator schools to reflect that the referral to a traffic violator school is a de facto guilty plea and conviction and not a dismissal of the complaint.
- Provide that DMV records related to a traffic violator school conviction, normally held confidential, are not confidential if the person convicted holds a Class A, Class B, or commercial Class C driver's license or is operating a commercial motor vehicle.
- Increase the length of disqualification periods and the amount of penalties related to out-of-service convictions.
- Make other, technical, non-substantive amendments.

Discussion:

The 2008 Federal Motor Carrier Safety Administration audit of California's Commercial Driver License Program identified inconsistencies between federal and state law. If California is unable to resolve the audit findings by the next audit (anticipated in 2012), the state may be found out of compliance and may face sanctions. Failure to achieve compliance with federal regulations may result in a significant loss of highway funds. The initial penalties for substantial non-compliance are a 5% loss of federal highway aid, complete loss of all federal grants, and a \$5,000-a-day fine. If a state remains out of compliance for a second year, the loss of highway funds is increased to 10%; failure to comply for a third year results in the Federal Motor Carrier Safety Administration decertifying the state. If a state is decertified, it may no longer issue or renew commercial licenses.

DMV is sponsoring this bill to ensure federal compliance as well as to ensure that only safe drivers operate commercial vehicles on the state's public highways. The department asserts that commercial vehicle drivers are held to a high standard because of the importance of safe operation of large, heavy vehicles.

B. Fiscal Analysis

The Department of Motor Vehicles (DMV) estimates costs to be minor and absorbable.

BILL NUMBER

AB 2144

		SO	(Fiscal Impact by Fiscal Year)						
Code/Department	LA	(Dollars in Thousands)							
Agency or Revenue	CO	PROP							Fund
Type	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
2740/DMV	SO	No	----- Minor Fiscal Impact -----						0044
<u>Fund Code</u>	<u>Title</u>								
0044	Motor Vehicle Account, STF								